

# EXHIBIT

# 9

**From:** [Whitley, David](#)  
**To:** [Freeman, Daniel \(CRT\)](#); [Clay, Reed](#)  
**Cc:** [Berman, Robert \(CRT\)](#); [Bell-Platts, Meredith \(CRT\)](#); [Westfall, Elizabeth \(CRT\)](#); [Baldwin, Anna \(CRT\)](#); [Gear, Bruce \(CRT\)](#); [Maranzano, Jennifer \(CRT\)](#); [Scott, John](#)  
**Subject:** RE: Voter ID Litigation, Legislator Email Search Terms  
**Date:** Friday, January 10, 2014 12:49:07 PM

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Dan,

As a result of our meet and confer yesterday, January 9, 2014, I am working on editing the Defendants' proposed search terms and am standing by for information from you on minimum letters needed for certain search terms.

In an effort assist you in searching legislators' e-mails, test searches were run using the US's proposed search terms. In our meet-and-confer, the US pointed out that technical and substantive issues with the Defendants' proposed search terms would result in unduly burdensome production. We found similar issues with your proposed search terms and concur that it would result in unduly burdensome production if we used them to search legislators' e-mails. Here are the issues and proposed resolutions; please advise as to your proposed resolution:

Issue 1: Searching for "id" results in hits for unintended words. Not only are phrases like "voter ID" captured, but also words like "inside", "idea", and "did".

Proposed Resolution: Will you check with your technical folks on (1) whether adding a space before and after "id" would capture only that term and (2) what proximity ranges you propose between the terms "voter" and "id", and (3) edit your search terms including the term "id" accordingly?

Issue 2: When any portion of "14" results in a hit, references to bills with numbers like 1401, 147, and 114 all result in hits. "SB" is an extremely common abbreviation in the Texas legislature, as well, which will result in unintended hits on every senate bill that includes a "14" in it.

Proposed Resolution: Will you check with your technical folks on (1) whether adding a space before and after "14" would capture only that term and (2) what proximity ranges you propose between the terms "sb" and "14", and (3) edit your search terms accordingly?

Issue 3: With regard to the first search sequence (other than Issue 1 above), a large part of the work of the legislature is to "vote" on "bills". In addition, *courts, justice, lawsuits, rights, students, colleges, universities, employees, education, and elections*, are all very common topics of discussion for a legislature unrelated to voter ID. Further, Issue 1 above combined with the fact that the Texas Legislative Council (TLC) includes the word "electronic" in its confidentiality notice means any discussion of "voting" on a "bill" in an e-mail with the TLC would be included. As you can imagine, that would include many unrelated e-mails.

Proposed Resolution: Will you consider narrowing and/or using proximity connectors on that search?

Thanks,  
David

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**From:** Freeman, Daniel (CRT) [mailto:Daniel.Freeman@usdoj.gov]  
**Sent:** Tuesday, January 07, 2014 5:41 PM  
**To:** Clay, Reed  
**Cc:** Whitley, David; Berman, Robert (CRT); Bell-Platts, Meredith (CRT); Westfall, Elizabeth (CRT); Baldwin, Anna (CRT); Gear, Bruce (CRT); Maranzano, Jennifer (CRT)  
**Subject:** Voter ID Litigation, Legislator Email Search Terms

Clay,

Here are the United States' proposed search terms for email in the possession of legislators and legislative staff. During the Section 5 litigation, your staff told us that the TLC maintains email on servers running Microsoft Exchange. Microsoft Exchange 2010 has back-end search capability known as Multi-Mailbox Search, and Microsoft Exchange 2013 has similar capability known as In Place eDiscovery. The search terms use the syntax for those two programs, which includes automatic unlimited right truncation. Should you decide to use other software to perform the searches, please conform the search terms to the syntax and logical operators used by that software.

I will be happy to answer any questions you may have during our call on Thursday at noon.

Regards,

Dan

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